

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-12244-GAO
CONSOLIDATED

STANDARD FIRE INSURANCE COMPANY,

VS.

CROSBY YACHT YARD, INC. and
OYSTER HARBORS MARINE, INC.
Defendant.

**PLAINTIFF, ONEBEACON AMERICAN INSURANCE COMPANY'S,
MOTION TO COMPEL ANSWERS TO INTEROGATORIES
AND RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes the Plaintiff, OneBeacon American Insurance Company, in the above entitled action, by its attorney, and moves this Honorable Court pursuant to Rule 37 of the Federal Rules of Civil Procedure to compel the Defendant, Crosby Yacht Yard, Inc., to Answer Interrogatories propounded pursuant to Rule 33 and to produce documents and things requested pursuant to Rule 34 of Federal Rules of Civil Procedure by the Defendant. The Interrogatories and Request for Production were served on the Defendant on December 20, 2005.

The Defendant assigns as reason, therefore, the following:

1. The Plaintiff propounded interrogatories pursuant to Rule 33 and requested certain materials pursuant to Rule 34 of the Federal Rules of Civil Procedure.
2. The requested materials are discoverable under

Rules 26 33, and 34 of the Federal Rules of Civil Procedure.

3. The requested materials are relevant to the subject matter involved in the pending action and are not privileged.

4. The Defendant has failed to answer the interrogatories and produce such materials or timely object to their production and has therefore, prejudiced the Defendant.

WHEREFORE, the Plaintiff prays this Honorable Court grant its Motion to Compel Answers to Interrogatories and Production of Documents and order the Defendant to answer the interrogatories and produce the requested documents within ten (10) days of the allowance of this motion.

By its attorneys,

CLINTON & MUZYKA, P.C.

/s/ Robert E. Collins
Robert E. Collins
BBO NO. 555843
One Washington Mall
Suite 1400
Boston, MA 02108
(617) 723-9165

CERTIFICATE UNDER DISCOVERY

Now comes the Plaintiff, OneBeacon American Insurance Company, by its attorney and hereby certifies that the letter attached hereto was forwarded to Defendant's counsel in an attempt to resolve the discovery dispute. The response is also attached hereto.

By its attorneys,

CLINTON & MUZYKA, P.C.

"/s/Robert E. Collins"

Robert E. Collins

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Dated: June 2, 2006